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JUNEAU PARTNERS
P.O. BOX 2516
ALEXANDRIA, VA 22301

In re Application of CATTANEO et al :
U.S. Application No.: 10/583,618 :
PCT Application No.: PCT/IT2004/000722 :
Int. Filing Date: 23 December 2004 :
Priority Date Claimed: 24 December 2003 :
Attorney Docket No.: DC/MS/94250AE :
For: METHOD FOR THE HUMANIZATION OF :
ANTIBODIES AND HUMANIZED :
ANTIBODIES THEREBY OBTAINED :
DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 19 September 2008.

BACKGROUND

On 23 December 2004, applicant filed international application PCT/IT2004/000722, which claimed priority of an earlier Italy application filed 24 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 07 July 2005. The thirty-month period for paying the basic national fee in the United States expired on 24 June 2006.

On 20 June 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 02 February 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 02 July 2007, applicant filed an executed declaration.

On 17 September 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 02 July 2007 failed to list the citizenship of one of the inventors.

On, the present application became abandoned for failure to timely

On 18 October 2007, international application PCT/IT2004/000722 became abandoned as to the United States for failure to timely respond to the Notification of Defective Response.

On 19 September 2008, applicant filed a petition under 37 CFR 1.137(b) along with an executed declaration.

On 20 April 2009, applicant filed an executed declaration.

On 24 April 2009, applicant filed a copy of the 19 September 2008 petition.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 23 December 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 April 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459